

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.20623 of 2023

ORDER:

1. The present writ petition is filed aggrieved by the action of the respondents in not releasing the Earnest Money Deposit and Withheld Amounts.

2. Learned counsel for the petitioner submits that the petitioner has entered into various agreements with the respondents under various Agreements for the works in Kurnool District and he completed the work as per the agreements. Execution of work was entered into measurement book prepared by the respondent authorities without noticing any defects. The amount for execution of work was paid to the petitioner, but the Withheld Amount & Earnest Money Deposits was not released even after completion of defect liability period. The petitioner has approached the respondents several times for reimbursement of the Withheld Amount & Earnest Money Deposits. As the respondents have failed to release the Withheld Amount & Earnest Money Deposits, the petitioner is seeking a direction to the respondent authorities for release of Withheld Amount & Earnest Money Deposits.

3. On the other hand, learned Government Pleader for Irrigation and Command Area Development placed on record the written instructions received from the Executive Engineer, Water Resources Department, M.I.W. Division, Kurnool, dated 08.09.2023 admitting amount of Rs.4,10,913/-

payable to the petitioner. He would submit that, since the budget was not released by the Government, the bills were not paid to the petitioner. Soon after release of the budget by the Government, the bills will be paid to the petitioner.

4. Heard the learned counsel for the petitioner and learned counsel for the respondents.

5. Keeping in view facts and circumstances of the case, submissions made by both learned counsel and on perusing the material placed on record, as there is no justification in withholding the Withheld Amount & Earnest Money Deposits, even after completion of defect liability period and completion of the work allotted by the respondents, this Court deems it appropriate to direct the respondents to release the Earnest Money Deposit and Withheld Amounts Deposit amounts due to the petitioner for the last several months.

6. In the result, this Writ Petition is disposed of, directing the respondents to release the Withheld Amount & Earnest Money Deposits of Rs.4,10,913/- to the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

06.12.2023
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